

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:	}	
Joseph & Rita Matlock	}	<b>Case No. 3:15-bk-07353</b>
212 E Clark Blvd	}	
Murfreesboro, TN, 37130-2105	}	<b>Chapter: 13</b>
	}	
	}	Judge Charles Walker
Debtor.	}	

**EXPEDITED HEARING ON MOTION TO UTILIZE INSURANCE PROCEEDS**

COMES NOW the Debtors, by and through counsel, and pursuant to Local Rule 9075, respectfully moves the Court as follows:

**I. EXPEDITED RELIEF REQUESTED**

- A. The Debtors move for an Order authorizing them to utilize cash collateral received from Geico insurance in the approximate amount of \$5,020.00 to purchase a replacement vehicle without incurring debt.
- B. Debtors 2013 Dodge Avenger was totaled in an auto accident. Geico insurance has offered \$5,020.00, to pay the total loss settlement.
- C. On 9/01/2016, the court entered an order modifying the Debtors plan to provide for Insolve Banking (formally Inland Bank Funding) as a long term claim per 1322(b)(5).
- D. Insolve Auto Funding is the lien holder for said vehicle, and has issued a guarantee of title for \$1,397.40. Pursuant to the Chapter 13 trustee's records, Insolve has \$693.00 remaining to be paid under the plan.
- E. The Debtor seeks permission to utilize the insurance proceeds to payoff the secured claim of Insolve Banking in the amount of \$1,397.40 and to utilize the remainder of the insurance proceeds in the amount of \$3,622.60 to purchase a substitute vehicle free and clear of any liens.
- F. Geico Insurance shall issue a check in the amount of \$ 693.00 to the Chapter 13 Trustee to pay the secured balance under the plan of Insolve Bank.
- G. Geico Insurance shall issue a second check for \$704.40, directly to Insolve Auto Funding c/o

WayfinderBk, LLC, Dept 3403, PO BOX 123403, Dallas, TX 75312-3403 to pay the remaining long term balance owed to Insolve Auto Funding. Upon receipt of the funds from Geico and the Chapter 13 trustee's office, Insolve Auto Funding shall release the lien to Geico insurance.

- H. Geico Insurance shall issue a third check for \$ 3,622.60 , the remainder of the net settlement proceeds, directly to the Debtor to purchase a substitute vehicle free and clear of liens.
- I. No additional funds should be disbursed by the Trustee to Insolve Auto Funding. Proceeds should be sufficient to protect the other parties rights.
- E. Debtor requests an expedited hearing because Debtor is having to rent a vehicle to get to and from work, which is placing a strain on their budget. Vehicle is necessary for an effective reorganization under Chapter 13

## **II. SUGGESTION OF EXPEDITED HEARING DATE AND TIME**

- D. The Debtor is requesting that this motion be set for expedited hearing on 1/8/2020 at 8:30 a.m. in Courtroom One of the United States Bankruptcy Court for the Middle District of Tennessee, 701 Broadway, Nashville, TN 37203.

## **III. NOTICE OF EXPEDITED HEARING**

- E. Notice of this expedited motion shall be given to all parties on the Certificate of Service by either facsimile, electronic or U.S. mail first class as specified in the Certificate of Service.

WHEREFORE, the Debtor would request grant the Debtor's request to use cash collateral to purchase a replacement vehicle.

Respectfully submitted,

/s/ Jonathan Augusta

D. Jonathan Augusta, BPR #25880, Attorney for Debtor  
731 Porter Rd  
Nashville, TN 37206  
(615) 600-4577  
fax: (615)249-3448  
derricaugusta@comcast.net

**CERTIFICATE OF SERVICE**

I hereby certify that on December 31, 2019, I furnished a true and correct copy of the foregoing to the following parties in interest:

Henry E. Hildebrand, III  
Chapter 13 Trustee  
P.O. Box 340019  
Nashville, TN 37203

Electronic

Samuel Crocker, U.S. Trustee  
318 Customs House, 701 Broadway  
Nashville, TN 37203

Electronic

Joseph & Rita Matlock  
212 E Clark Blvd  
Murfreesboro, TN, 37130-2105

U.S. mail first class

Geico  
Attn: Region 7 Claims  
PO BOX 9518  
Fredericksburg, VA 22403-9524

Insolve Auto Funding c/o Wayfinder BK, LLC  
Dept 3403  
PO BOX 123403  
Dallas, TX 75312-3403

I have sent out notices.

/s/ Jonathan Augusta  
D. Jonathan Augusta

**3:15-bk-07353 JOSEPH LEE MATLOCK and RITA WATKINS MATLOCK**  
**Case type: bk Chapter: 13 Asset: Yes Vol: v Judge: Keith M Lundin**  
**Date filed: 10/14/2015 Date of last filing: 03/22/2016 Plan confirmed: 12/22/2015**

## **Creditors**

**A & A IMPORTS**  
604 N. GALLATIN PIKE  
MADISON, TN 37115  
(5963190)  
(cr)

**A&A MOTORS**  
ATTN: MOJTABA RABIEI  
601 N. GALLATIN PIKE  
Madison TN 37115  
(5926439)  
(cr)

**ADVANCE FINANCIAL**  
1901 CHURCH STREET  
Nashville TN 37203  
(5926440)  
(cr)

**Afni**  
Attention: Bankruptcy  
1310 Martin Luther King Dr  
Bloomington IL 61701  
(5926441)  
(cr)

**AMERICAN CAR CENTER**  
ATTN: BOB SHIVERS, JR.  
6400 WINCHESTER RD.  
Memphis TN 38115-8117  
(5926443)  
(cr)

**AMERICAN CAR CENTER**  
1425 GALLATIN PIKE N.  
Madison TN 37115  
(5926442)  
(cr)

**American Financial**  
6400 Winchester Road  
Memphis, TN 38115  
(5937342)  
(cr)

**American InfoSource LP as agent for**  
DIRECTV, LLC  
PO Box 51178  
Los Angeles, CA 90051-5478  
(6021590)  
(cr)

**AmeriCredit Financial Services, Inc. dba GM Financ** (5945088)  
P O Box 183853 (cr)  
Arlington, TX 76096

**AmeriCredit Financial Services, Inc. dba GM Financ** (5954121)  
P O Box 183853 (ntcapr)  
Arlington, TX 76096

**BUFFALOE & ASSOCIATES**  
44 VANTAGE WAY (5926444)  
SUITE 500 (cr)  
Nashville TN 37228

**CASHNET USA** (5926445)  
200 W. JACKSON, STE 1400 (cr)  
Chicago IL 60606

**CashNetUSA**  
175 W Jackson Blvd (5986276)  
Suite 1000 (cr)  
Chicago, IL 60604

**Colonial Auto Finance/** (5926446)  
802 Se Plaza Ave Ste 114 (cr)  
Bentonville AR 72712

**Credit Acceptance**  
Attn: Bankruptcy Dept (5926447)  
25505 West 12 Mile Rd Ste 3000 (cr)  
Southfield MI 48034

**Credit Central** (5926448)  
700 E North St Ste 15 (cr)  
Greenville SC 29601

**Credit Collections Svc** (5926449)  
Po Box 773 (cr)  
Needham MA 02494

**Delbert Services/consu** (5926450)  
Rodney Square N 1100 N M (cr)  
Wilmington DE 18901

**DISCOUNT MOTORS**  
ATTN: WILLIAM SHUBERT - AGENT (5926451)  
1108 GALLATIN PIKE N. (cr)  
McMinnville TN 37110-2738

**Discount Motors, Inc.** (5977920)  
c/o William Timothy Hill, Atty (cr)

201 4th Ave N Ste 1800  
Nashville, TN 37219

**DRIVE TIME**

C/O CORPORATION SERVICE COMPANY (5926452)  
2908 POSTON AVE. (cr)  
Nashville TN 37203-1312

**DT Credit Company LLC**

PO Box 29018 (6011721)  
Phoenix, AZ 85038 (cr)

**ELIZABETH MATLOCK**

3908 TUCKER RD. (5926453)  
Nashville TN 37218 (cr)

**First Premier Bank**

3820 N Louise Ave (5926454)  
Sioux Falls SD 57107 (cr)

**Gm Financial**

Po Box 181145 (5926455)  
Arlington TX 76096 (cr)

**HEIGHTS FINANCE**

C/O NATIONAL REGISTERED AGENTS, INC. (5926456)  
800 GAY STREET, STE. 2021 (cr)  
Knoxville TN 37929-9710

**Heights Finance Corp**

1117 Columbia Ave Ste B (5926457)  
Franklin TN 37064 (cr)

**HEIGHTS FINANCE CORP.**

366 WEST MAIN STREET SUTIE 5B (5959105)  
HENDERSONVILLE TN 37075 (cr)

**HSBC CARD SERVICES**

P.O. BOX 5253 (5926458)  
Carol Stream IL 60197-5222 (cr)

**InSolve Auto Funding, LLC , c/o Capital Recovery G**

PO Box 64090 (6000887)  
Tucson, AZ 85728-4090 (cr)

**INTERNAL REVENUE SERVICE**

CENTRALIZED INSOLVENCY OPERATION (5926459)  
P.O. BOX 7346 (cr)  
Philadelphia PA 19101-7346

<b>INTERNAL REVENUE SERVICE</b> 801 BROADWAY Nashville TN 37203	(5926460) (cr)
<b>National Credit Adjusters, LLC</b> Attn: Michael Swanson PO BOX 3023 Hutchinson, KS 67504	(6024090) (cr)
<b>Navient</b> Po Box 9500 Wilkes Barre PA 18773	(5926461) (cr)
<b>Navient Solutions, Inc. on behalf of</b> United Student Aid Funds, Inc. Attn: Bankruptcy Litigation Unit E3149 PO Box 9430 Wilkes Barre, PA 18773-9430	(5967065) (cr)
<b>Portfolio Recovery</b> Attn: Bankruptcy Po Box 41067 Norfolk VA 23541	(5926462) (cr)
<b>PORTFOLIO RECOVERY</b> ATTN: NATHAN HORTON, ESQ. 120 CORPORATE BLVD. Norfolk VA 23502	(5926463) (cr)
<b>Portfolio Recovery Associates, LLC</b> POB 12914 Norfolk VA 23541	(5956002) (cr)
<b>Premier Bankcard, Llc</b> c o Jefferson Capital Systems LLC Po Box 953185 St Louis Mo 63195-3185	(5996116) (cr)
<b>PURE ROMANCE</b> 655 PLUM ST. Cincinnati OH 45202	(5926464) (cr)
<b>SKY TRAIL CASH - Ningodwaaswi, LLC</b> PO BOX 1115 Lac Du Flambeau WI 54538	(5926465) (cr)
<b>Stellar Recovery Inc</b> 4500 Salisbury Rd Ste 10 Jacksonville FL 32216	(5926466) (cr)

**SUN LOAN**

C/O CAPITOL CORPORATE SERVICES  
992 DAVIDSON DR, STE B  
Nashville TN 37205

(5926467)  
(cr)

**Sun Loans**

620 Gallatin Pike  
Madison TN 37115

(5926468)  
(cr)

**WESTERN SKY FINANCIAL**

612 EAST STREET  
Timber Lake SD 57656

(5926469)  
(cr)